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EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/495,759

Applicant(s)  
Nakis

Examiner  
John Young

Art Unit  
3622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 15, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

*[Handwritten signature]*  
11-12-2003

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**SECOND ACTION NON-FINAL REJECTION (RCE)**

**DRAWINGS**

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

**STATUS OF THE CLAIMS**

2. Claims 15-27 are and pending.

**CLAIM REJECTIONS — 35 U.S.C. §101**

35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful  
process, machine, manufacture, or composition of matter or  
any new and useful improvement thereof, may obtain a  
patent therefore, subject to the conditions and requirements  
of this title.

3. Claims 15-17, 19, 20-26 are rejected under 35 U.S.C. 101, because the claims are directed to non-statutory subject matter.

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As per independent claims 15 & 20, as drafted the claim are not limited by language to a useful, concrete and tangible application (See *State Street v. Signature financial Group*, 149 F.3d at 1374-75 , 47 USPQ 2d at 1602 (Fed Cir. 1998) ; *AT&T Corp. v. Excel*, 50 USPQ 2d 1447, 1452 (Fed. Cir. 1999) within the technological arts (see *In re Waldbaum*, 173 USPQ 430 (CCPA 1972); *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974) also see MPEP 2106 IV 2(b).

Note: it is well settled in the law that “[although] a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415, F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claims that are not recited in the claims.” (See MPEP 2173.05( q )).

Claims 16-17 & 19 are rejected for substantially the same reason as claim 15, because said claims depend from claim 15 and/or subsequent base claims which depend from claim 15.

Claims 21-26 are rejected for substantially the same reason as claim 20, because said claims depend from claim 20 and/or subsequent base claims which depend from claim 20.

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**35 U.S.C. §103(a) CLAIM REJECTIONS**

**The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

4. Independent claims 15 & 27 and dependent claims 16-17 & 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over in view of Cheng 6,329,986 (12/11/2001) [US f/d: 02/21/1998] (herein referred to as "Cheng") in view of Lazarus et al. 6,430,539 (08/06/2002) [US f/d: 5/6/1998] (herein referred to as "Lazarus") and further in view of Ackerman 6,106,299 (8/22/2000) [US f/d: 12/23/1997] (herein referred to as ("Ackerman").

As per claim 15, Cheng (the ABSTRACT; FIG. 1a; FIG. 1b; and FIG. 8) shows "[a] method comprising . . . identifying a target group of persons . . . identifying attributes of persons in the target group . . ."

Cheng (col. 3, ll. 10-32; the ABSTRACT; FIG. 1a; FIG. 1b; FIG. 8; col. 3, ll. 13-24; col. 3, ll. 33-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-45; col. 14, ll. 50-67; col. 22, ll. 6-67; col. 27, ll. 40-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; col. 31, ll. 1-67; col. 32, ll. 58-67; col. 34, ll. 1-67; and col. 35, ll. 5-45; and whole document) shows "representing attributes in . . . vectors, one vector per person, thereby producing a plurality of . . . vectors . . . and selecting at least some of the . . . vectors, and for each. . ."

Cheng (col. 1, ll. 34-47; col. 1, ll. 63-67; and col. 2, ll. 1-10) discloses: "*animate entities may include . . . avatars. . .*" and "*support of . . . facial and gesture animation,*

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*and/or video.*” In this case, the Examiner interprets this disclosure as showing “generating an animated anthropomorphic idol. . . .”

Cheng lacks an explicit recitation of “consumer vectors. . . .”

Lazarus (FIG. 1a; and FIG. 2 through FIG. 9; col. 3, ll. 55-67; col. 4, ll. 1-67; col. 7, ll. 30-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; and whole document) shows “consumer vectors. . . .” and target segments.

Lazarus proposes “consumer vectors. . . .” and target segments modifications that would have applied to the system of Cheng. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Lazarus with the teachings of Cheng because such combination would have provided a means of representing a “*computing-based system capable of supporting a virtual world or other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .*” (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided “*a system and method of analyzing and predicting consumer financial behavior that uses historical, and time-sensitive spending patterns of individual consumers to create both meaningful groupings (segments). . . .*” (see Lazarus (col. 3, ll. 1-4)).

Cheng lacks an explicit recitation of “generating an anthropomorphic idol which displays the attributes of the selected consumer vector.”

Ackerman (col. 8, ll. 31-52; col. 2, ll. 2-15; and the second half of the ABSTRACT; ) discloses: “**FIG.S 10 and 11 illustrate the basic elements for the second**

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*embodiment using whimsical creatures with anthropomorphic behaviors. The user selects three creature parts, represented as head . . . belly . . . and base . . . for creating a creature. Each of the different selections for creature parts corresponds to different behaviors. The behavioral components form the different body parts also interrelate to provide an overall behavior for the creature. . . . As with the geometric embodiment, the user or system may modify different characters, which changes behavioral patterns. Such transformations can include complete changes in behavioral elements. . . . As changes are made, the interactions change and are represented as movements of varying speeds, directions, and patterns on the field.”* In this case, the Examiner interprets the disclosure of Ackerman (col. 8, ll. 31-52; and col. 2, ll. 2-15) as showing “generating an anthropomorphic idol which displays the attributes of the selected consumer vector.”

Ackerman proposes “generating an anthropomorphic idol which displays the attributes of the selected consumer vector. . . .” modifications that would have applied to the system of Cheng. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ackerman with the teachings of Cheng because such combination would have provided a means of representing a “*computing-based system capable of supporting a virtual world or other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .*” (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided means for “*transforming virtual objects through dialogic interaction with a computational device.*” (See Ackerman (col. 2, ll. 2-15)).

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As per claim 16, Cheng in view of Lazarus and further in view of Ackerman shows the method of claim 15.

Cheng (col. 4, ll. 7-15) discloses: “*transmission control protocol (TCP). . . .*”

Cheng (col.1, ll. 15-25) discloses: “*networking systems (e.g., the Internet). . . .*”

In this case, the Examiner interprets the above disclosures as suggesting “web sites. . . .”

Cheng (col. 3, ll. 10-32; the ABSTRACT; FIG. 1a; FIG. 1b; FIG. 8; col. 3, ll. 13-24; col. 3, ll. 33-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-45; col. 14, ll. 50-67; col. 22, ll. 6-67; col. 27, ll. 40-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; col. 31, ll. 1-67; col. 34, ll. 1-67; and col.35, ll. 5-45) shows “representing attributes in . . . vectors, one vector per person, thereby producing a plurality of . . . vectors . . . and selecting at least some of the . . . vectors, and for each, generating an animated anthropomorphic idol which displays the attributes of the selected . . . vector.”

Cheng (col. 1, ll. 34-47; col. 1, ll. 63-67; and col. 2, ll. 1-10) discloses: “*animate entities may include . . . avatars. . . .*” and “*support of . . . facial and gesture animation, and/or video.*” In this case, the Examiner interprets this disclosure as showing “generating an animated anthropomorphic idol. . . .”

Cheng lacks an explicit recitation of “selecting some of the idols; and displaying the selected idols on one or more web sites, which are available to consumers. . . .” even though Cheng (col. 3, ll. 10-32; the ABSTRACT; FIG. 1a; FIG. 1b; FIG. 8; col. 3, ll. 13-



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24; col. 3, ll. 33-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-45; col. 14, ll. 50-67; col. 22, ll. 6-67; col. 27, ll. 40-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; col. 31, ll. 1-67; col. 34, ll. 1-67; col. 35, ll. 5-45; col. 1, ll. 34-47; col. 1, ll. 63-67; and col. 2, ll. 1-10) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Cheng (col. 3, ll. 10-32; the ABSTRACT; FIG. 1a; FIG. 1b; FIG. 8; col. 3, ll. 13-24; col. 3, ll. 33-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-45; col. 14, ll. 50-67; col. 22, ll. 6-67; col. 27, ll. 40-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; col. 31, ll. 1-67; col. 34, ll. 1-67; col. 35, ll. 5-45; col. 1, ll. 34-47; col. 1, ll. 63-67; and col. 2, ll. 1-10) would have been selected in accordance with “selecting some of the idols; and displaying the selected idols on one or more web sites, which are available to consumers. . . .” because such combination would have provided a means of representing a “*computing-based system capable of supporting a virtual world or other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .*” (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided “*a system and method of analyzing and predicting consumer financial behavior that uses historical, and time-sensitive spending patterns of individual consumers to create both meaningful groupings (segments). . . .*” (see Lazarus (col. 3, ll.

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1-4)).

As per claim 17, Cheng in view of Lazarus and further in view of Ackerman shows the method of claim 16.

Cheng (col. 9, ll. 33-50; col. 30, ll. 9-17; col. 32, ll. 65-67; and col. 34, ll. 5-25) shows “wherein the consumers include consumers n the target group.”

Cheng lacks an explicit recitation of “wherein the consumers include consumers n the target group. . . .” even though Cheng (col. 9, ll. 33-50; col. 30, ll. 9-17; col. 32, ll. 65-67; and col. 34, ll. 5-25) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Cheng (col. 9, ll. 33-50; col. 30, ll. 9-17; col. 32, ll. 65-67; and col. 34, ll. 5-25) would have been selected in accordance with “wherein the consumers include consumers n the target group. . . .” because such combination would have provided a means of representing a “*computing-based system capable of supporting a virtual world or other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .*” (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided “*a system and method of analyzing and predicting consumer financial behavior that uses historical, and time-sensitive spending patterns of individual consumers to create both meaningful groupings (segments). . . .*” (see Lazarus (col. 3, ll. 1-4)).

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As per claim 20, Cheng (col. 1, ll. 34-47; col. 1, ll. 63-67; and col. 2, ll. 1-10) discloses: “*animate entities may include . . . avatars. . .*” and “*support of . . . facial and gesture animation, and/or video.*” In this case, the Examiner interprets this disclosure as showing “generating an animated anthropomorphic idol. . .”

Cheng (col. 3, ll. 10-32; the ABSTRACT; FIG. 1a; FIG. 1b; FIG. 8; col. 3, ll. 13-24; col. 3, ll. 33-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-45; col. 14, ll. 50-67; col. 22, ll. 6-67; col. 27, ll. 40-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; col. 31, ll. 1-67; col. 32, ll. 58-67; col. 34, ll. 1-67; and col. 35, ll. 5-45; and whole document) shows “[a] method comprising . . . generating a plurality of vectors, one for each of multiple consumers in a sample, each vector describing attributes of the respective consumer . . . for selected vectors . . . using the idols in marketing activities. . .”

Cheng lacks an explicit recitation of “measuring marketing success of each idol.”

Lazarus (FIG. 1c; FIG. 3; FIG. 7a; FIG. 7b; FIG. 1a; and FIG. 2 through FIG. 9; col. 3, ll. 55-67; col. 4, ll. 1-67; col. 7, ll. 30-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; and whole document) shows elements that suggest “measuring marketing success of each idol.”

Lazarus proposes “measuring marketing success. . .” modifications that would have applied to the system of Cheng. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Lazarus

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with the teachings of Cheng because such combination would have provided a means of representing a *“computing-based system capable of supporting a virtual world or other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .”* (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided *“a system and method of analyzing and predicting consumer financial behavior that uses historical, and time-sensitive spending patterns of individual consumers to create both meaningful groupings (segments). . . .”* (see Lazarus (col. 3, ll. 1-4)).

Cheng lacks an explicit recitation of “generating an animated anthropomorphic idol for each. . . .” selected vector.

Ackerman (col. 8, ll. 31-52; col. 2, ll. 2-15; and the second half of the ABSTRACT; ) discloses: *“FIG.S 10 and 11 illustrate the basic elements for the second embodiment using whimsical creatures with anthropomorphic behaviors. The user selects three creature parts, represented as head . . . belly . . . and base . . . for creating a creature. Each of the different selections for creature parts corresponds to different behaviors. The behavioral components form the different body parts also interrelate to provide an overall behavior for the creature. . . . As with the geometric embodiment, the user or system may modify different characters, which changes behavioral patterns. Such transformations can include complete changes in behavioral elements. . . . As changes are made, the interactions change and are represented as movements of varying speeds, directions, and patterns on the field.”* In this case, the Examiner interprets the

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disclosure of Ackerman (col. 8, ll. 31-52; and col. 2, ll. 2-15) as showing “generating an anthropomorphic idol which displays the attributes of the selected consumer vector.”

Ackerman proposes “generating an animated anthropomorphic idol for each. . . .” selected vector modifications that would have applied to the system of Cheng. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ackerman with the teachings of Cheng because such combination would have provided a means of representing a “*computing-based system capable of supporting a virtual world or other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .*” (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided means for “*transforming virtual objects through dialogic interaction with a computational device.*” (See Ackerman (col. 2, ll. 2-15)).

As per claim 27, Cheng (col. 3, ll. 10-32; the ABSTRACT; FIG. 1a; FIG. 1b; FIG. 8; col. 3, ll. 13-24; col. 3, ll. 33-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-45; col. 14, ll. 50-67; col. 22, ll. 6-67; col. 27, ll. 40-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; col. 31, ll. 1-67; col. 32, ll. 58-67; col. 34, ll. 1-67; and col.35, ll. 5-45; and whole document) shows “[a] method comprising . . . identifying a target group of consumers . . . for individuals in the group, identifying attributes of each and representing the attributes as . . . vectors, thereby producing one

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vector per individual for selected . . . vectors, generating an animated anthropomorphic idol for each, the idol having an associated idol vector describing the idol's attributes, thereby producing a group of idols, each having an idol vector . . . presenting idols on web sites, together with merchandise available for sale, and taking orders for the merchandise from consumers, including consumers in the target group. . . ."

Cheng (col. 1, ll. 34-47; col. 1, ll. 63-67; and col. 2, ll. 1-10) discloses: "*animate entities may include . . . avatars. . . .*" and "*support of . . . facial and gesture animation, and/or video.*" In this case, the Examiner interprets this disclosure as showing "generating an animated anthropomorphic idol. . . ."

Cheng (col. 4, ll. 7-15) discloses: "*transmission control protocol (TCP). . . .*"

Cheng (col. 1, ll. 15-25) discloses: "*networking systems (e.g., the Internet). . . .*"

In this case, the Examiner interprets the above disclosures as suggesting "web sites. . . ."

Cheng lacks an explicit recitation of "consumer vectors. . . ."

Lazarus (FIG. 1a; and FIG. 2 through FIG. 9; col. 3, ll. 55-67; col. 4, ll. 1-67; col. 7, ll. 30-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; and whole document) shows "consumer vectors. . . ." and target segments.

Lazarus proposes "consumer vectors. . . ." and target segments modifications that would have applied to the system of Cheng. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Lazarus with the teachings of Cheng because such combination would have provided a means of representing a "*computing-based system capable of supporting a virtual world or*

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*other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .”* (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided “*a system and method of analyzing and predicting consumer financial behavior that uses historical, and time-sensitive spending patterns of individual consumers to create both meaningful groupings (segments). . . .”* (see Lazarus (col. 3, ll. 1-4)).

Cheng lacks an explicit recitation of “generating a mapping of information which indicates, for each consumer vector, which idol vectors resulted in successful sales . . . ascertaining a mapping of the vectors which indicates which idols should be used for marketing activities to a sub-group of consumers, having consumer vectors identical to vectors selected from the target group.”

Lazarus (Fig. 1c; FIG. 3; FIG. 7a; FIG. 7b; FIG. 1a; and FIG. 2 through FIG. 9; col. 3, ll. 55-67; col. 4, ll. 1-67; col. 7, ll. 30-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; and whole document) shows elements that suggest “generating a mapping of information which indicates, for each consumer vector, which idol vectors resulted in successful sales . . . ascertaining a mapping of the vectors which indicates which idols should be used for marketing activities to a sub-group of consumers, having consumer vectors identical to vectors selected from the target group.”

Lazarus proposes “vector mapping” and “measuring marketing success. . . .” modifications that would have applied to the system of Cheng. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the

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disclosure of Lazarus with the teachings of Cheng because such combination would have provided a means of representing a “*computing-based system capable of supporting a virtual world or other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .*” (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided “*a system and method of analyzing and predicting consumer financial behavior that uses historical, and time-sensitive spending patterns of individual consumers to create both meaningful groupings (segments). . . .*” (see Lazarus (col. 3, ll. 1-4)).

Cheng lacks an explicit recitation of “generating an animated anthropomorphic idol for each. . . .” selected vector.

Ackerman (col. 8, ll. 31-52; col. 2, ll. 2-15; and the second half of the ABSTRACT; ) discloses: “**FIG.S 10 and 11** illustrate the basic elements for the second embodiment using whimsical creatures with anthropomorphic behaviors. The user selects three creature parts, represented as head . . . belly . . . and base . . . for creating a creature. Each of the different selections for creature parts corresponds to different behaviors. The behavioral components form the different body parts also interrelate to provide an overall behavior for the creature. . . . As with the geometric embodiment, the user or system may modify different characters, which changes behavioral patterns. Such transformations can include complete changes in behavioral elements. . . . As changes are made, the interactions change and are represented as movements of varying speeds, directions, and patterns on the field.” In this case, the Examiner interprets the



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disclosure of Ackerman (col. 8, ll. 31-52; and col. 2, ll. 2-15) as showing “generating an anthropomorphic idol which displays the attributes of the selected consumer vector.”

Ackerman proposes “generating an animated anthropomorphic idol for each. . . .” selected vector modifications that would have applied to the system of Cheng. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ackerman with the teachings of Cheng because such combination would have provided a means of representing a “*computing-based system capable of supporting a virtual world or other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .*” (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided means for “*transforming virtual objects through dialogic interaction with a computational device.*” (See Ackerman (col. 2, ll. 2-15)).

5. Dependent claims 18, 19 & 21-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over in view of Cheng in view of Lazarus, Ackerman and further in view of Klingman US 5,950,172 (09/7/1999) [US f/d: 7/19/1996] (herein referred to as “Klingman”).

As per claim 18, Cheng in view of Lazarus and further in view of Ackerman shows the method of claim 16.

Cheng (col. 4, ll. 7-15) discloses: “*transmission control protocol (TCP). . . .*”

Cheng (col.1, ll. 15-25) discloses: “*networking systems (e.g., the Internet). . . .*”

In this case, the Examiner interprets the above disclosures as suggesting “web sites. . . .”

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Cheng lacks an explicit recitation of “offering merchandise for sale at web sites displaying idols; and . . . measuring and recording success, if any, of each idol in promoting sales.”

Klingman (col. 17, ll. 1-67) discloses: “*Assume the user clicks on the BUY button. . . .*”

Klingman (col. 16, ll. 33-45) discloses: “*If animation is to be included, the animated action need be maintained (the product description may be an animated cartoon . . . etc.)*”

Klingman (FIG. 8a; col. 9, ll. 5-67; col. 14, ll. 55-67; and col. 16, ll. 33-45) shows “offering merchandise for sale at web sites displaying idols; and . . . measuring and recording success, if any, of each idol in promoting sales. . . .” In this case the Examiner interprets the “*animated cartoon*” as “displaying idols. . . .”

Klingman proposes “measuring and recording success, if any, of each idol in promoting sales. . . .” modifications that would have applied to the system of Cheng. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Klingman with the teachings of Cheng because such combination would have provided a means of representing a “*computing-based system capable of supporting a virtual world or other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .*” (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided “*an on-line communication system for securely*

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*communicating rating information based upon consumers' satisfaction relating to a product purchased through electronic media or otherwise.* " (See Klingman (col. 4, ll. 20, ll. 20-30)).

As per claim 19, Cheng in view of Lazarus and Ackerman and further in view of Klingman shows the method of claim 18.

Cheng (col. 3, ll. 10-32; the ABSTRACT; FIG. 1a; FIG. 1b; FIG. 8; col. 3, ll. 13-24; col. 3, ll. 33-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-45; col. 14, ll. 50-67; col. 22, ll. 6-67; col. 27, ll. 40-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; col. 31, ll. 1-67; col. 34, ll. 1-67; col. 35, ll. 5-45; col. 1, ll. 34-47; col. 1, ll. 63-67; and col. 2, ll. 1-10) shows elements that suggest "wherein attributes of each idol are represented by a respective idol vector, one idol vector for each idol. . . ."

Cheng (col. 25, ll. 25-67; col. 26, ll. 1-67; and col. 27, ll. 1-40) shows elements that suggests "generating an  $P \times Q$  matrix of information . . . which contains  $P$  rows of idol vectors and  $Q$  columns of consumer vectors. . . ."

Cheng lacks an explicit recitation of "generating an  $P \times Q$  matrix of information . . . which contains  $P$  rows of idol vectors and  $Q$  columns of consumer vectors which contains information in each cell . . . indicating whether the customer associated with the customer vector for that cell made a purchase from a web site containing an idol

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associated with the idol vector for that cell. . . .”

Lazarus (col. 24, ll. 60-67; col. 25, ll. 1-67; col. 26, ll. 1-67; col. 27, ll. 1-67; col. 28, ll. 1-67; and col. 29, ll. 1-5) shows elements that suggest “generating an  $P \times Q$  matrix of information . . . which contains  $P$  rows of idol vectors and  $Q$  columns of consumer vectors which contains information in each cell . . . indicating whether the customer associated with the customer vector for that cell made a purchase from a web site containing an idol associated with the idol vector for that cell. . . .”

Lazarus proposes “merchant/idol vector . . .” matrix modifications that would have applied to the system of Cheng. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Lazarus with the teachings of Cheng because such elements would have provided a means of representing a “*computing-based system capable of supporting a virtual world or other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .*” (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided “*a system and method of analyzing and predicting consumer financial behavior that uses historical, and time-sensitive spending patterns of individual consumers to create both meaningful groupings (segments). . . .*” (see Lazarus (col. 3, ll. 1-4)).

As per claims 21-26, Cheng in view of Lazarus and further in view of Ackerman shows the method of claim 20 and subsequent base claims depending from claim 20.

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Cheng lacks an explicit recitation of the “higher marketing success . . . [of] idols” elements and limitations of claims 21-22, the “statistical . . . techniques” and “mapping” elements and limitations of claims 23-24, and “web site” elements and limitations of claims 25 & 26.

Klingman (FIG. 8a; col. 9, ll. 5-67; col. 14, ll. 55-67; and col. 16, ll. 33-45) shows the “higher marketing success . . . [of] idols” elements and limitations of claims 21-22, the “statistical . . . techniques” and “mapping” elements and limitations of claims 23-24, and “web site” elements and limitations of claims 25 & 26.

Klingman proposes idol success, statistical, mapping and web site modifications that would have applied to the system of Cheng. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Klingman with the teachings of Cheng because such combination would have provided a means of representing a “*computing-based system capable of supporting a virtual world or other virtual environment, or settings/scenes thereof, particularly any such environment characterized by avatars, bots and other virtual objects. . . .*” (see Cheng (col. 3, ll. 14-20)) and because such combination would have provided “*an on-line communication system for securely communicating rating information based upon consumers’ satisfaction relating to a product purchased through electronic media or otherwise.*” (See Klingman (col. 4, ll. 20, ll. 20-30)).

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## RESPONSE TO ARGUMENTS

6. Any arguments concerning the obviousness rejections of claims 15-27 in the prior Office Action are moot because of new grounds of rejection.

## CONCLUSION

7. Any response to this action should be mailed to:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

Serial Number: 09/495,759

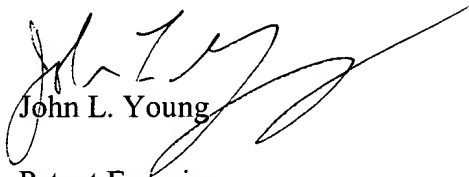
(Nakisa)

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
John L. Young  
Patent Examiner

November 12, 2003